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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,667	12/04/2000	Kevin Manbeck	1748/109	6386

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/729,667	Applicant(s) MANBECK, KEVIN	
	Examiner HUY T NGUYEN	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-71 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 6, 15 and 17-23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 4
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/22/02, 03/19/01</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,7-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkins (6,560,366).

Wilkins discloses a system (column 1, lines 45-55) for checking the consistency between a digital video master (original video frame) and a duplicate video (copies video frame), wherein the digital video master and the duplicate digital video are each composed of digital data, the digital data composed of a plurality of data segments (column 1, lines 15-5), the system comprising:

a comparison module that retrieves the digital data of the digital video master and the duplicate digital video and performs a data segment-by-data segment comparison between the digital data of the digital video master and the digital data of the duplicate digital video, the comparison module indicating any discrepancies between the digital video master and the duplicate digital video (column 4, lines 25-35, column 2 lines 3-35).

Regarding claim 2, Wilkins teaches each data segment is a byte representative of video since the video is a digital video signal..

Regarding claims 3 and 10, Wilkins teaches each data segment is representative of a displayed line of video (column 3, lines 1-10, column 3, lines 35-column 4, line 30).

Regarding claims 4 and 11, Wilkins teaches each data segment is representative of a displayed field of video (See Abstract , Fig. 2, column 3, line 35 to column 4, line 30).

Regarding claims 5 and 12, Wilkins teaches each data segment is representative of a displayed frame of video (Abstract figure 2 , column 3, lines 35 to column 4, line 30)..

Regarding claim 7, Wilkins teaches the comparison module indicates only those discrepancies above a threshold (column 2, lines 20-25).

Regarding claim 8, Wilkins teaches the threshold is based upon time duration of the discrepancy (column 3, lines 60-65).

Regarding claim 9, Wilkins further teaches the threshold is based upon spatial relationships between discrepancies (column 3, lines 63 to column 4, line 10).

Regarding claim 13, Wilkins teaches the threshold is based upon viewer perceptibility standards (Fig 2).

Regarding claim 14, Wilkins teaches wherein the threshold is based upon variance in intensity level of the discrepancy (column 3, lines 55-60).

Regarding claim 16, Wilkins teaches the comparison module indicates discrepancies by time of the discrepancy (column 3 lines 20-65).

Wilkins fails to teach storage means for storing the video master and duplicate video .

Yasuye teaches an apparatus for comparing the data and detecting discrepancies in the data using a storage means for storing the data to be compared (column 4, lines 5-60). It would have been obvious to one of ordinary skill in the art to modify Wilkins with Yasuye by using storage means as taught by Yasuye for storing the digital of video master and digital data of the duplicate video to be compared thereby enhancing the function of the apparatus of Wilkins easily controlling the timing of accessing of the digital data of the video master and duplicate video.

Allowable Subject Matter

3. Claims 24-71 are allowed.
4. Claims 6,15 and 17-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (571) 272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER